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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,865	11/26/2003	Edward P. Szuszcwicz	EPSZ.0010000	6067

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EXAMINER
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RUTLEDGE, AMELIA L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/721,865	SZUSZCZEWICZ, EDWARD P.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Amelia Rutledge	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-20,22,24-28 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-20,22,24-28 and 30-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment, filed 10/05/2006; Request for Continued Examination, filed 10/05/2006.
2. Claims 16-20, 22, 24-28, and 30-37 are pending. Claims 16 and 24 are independent claims.
3. Independent claims 16 and 24 have been amended to overcome the claim rejections under 35 U.S.C. 101, therefore the rejections of claims 16-19, 22, 24, 25, 27, 28, and 30-35 under 35 U.S.C. 101 are withdrawn.

### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/05/2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 24, 26-28, 31, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by “Sams Teach Yourself Adobe® Photoshop® 7 in 24 Hours” (hereinafter “Photoshop”), Rose, Published April 2002 by Sams, printed from Safari Books Online, <http://proquest.safaribooksonline.com/0672323885>, p. 1-3.**

**Regarding independent claim 24**, Photoshop teaches a method for generating a photo album page, comprising opening a photo album page on a computer screen and assigning a background to said photo album page (p. 1, par. 2, “New in 7”). Photoshop teaches selecting a layout configuration for said photo album page, said layout configuration defining a number of photos to be included on said photo album page, aspect ratios of said photos, and positioning of said photos on said photo album page, wherein said selecting is based on a graphical user interface that enables user navigation of a hierarchical organization of a library of layout configurations based on a number of photos specified by a user for said photo album page (p. 1-3; p. 2, par. 1-7), since Photoshop teaches defining a number of photos by folder to be included in a web photo gallery, setting size, i.e., aspect ratios of the photos, and positioning based on the hierarchical library of layout configurations.

Photoshop teaches that the user specified number of photos is used to generate a graphical listing of thumbnail images representing a subset of said library of layout configurations, said subset of said library of layout configurations supporting only those layout configurations having said user specified number of photos (p. 1, Fig. 24.10). Photoshop teaches placing a plurality of photos on said photo album page at locations defined by said selected layout configuration (p. 1-3; Fig. 24.12).

**Regarding dependent claims 26-28**, Photoshop teaches selecting a background from a library of backgrounds that are represented by thumbnail images, assigning a background image to the photo album page, and assigning a solid color background to the page (p. 1, Fig. 24.10; p. 2, par. 1-7).

**Regarding dependent claim 31**, Photoshop teaches defining sizes and positions of text entries (p. 2, par. 4, 6, Fig. 24.11).

**Regarding dependent claim 36**, Photoshop teaches defining size and orientation for the photos (p. 1, par. 2, "New in 7"; p. 2, par. 1-7) since Photoshop provides automatic layouts for photos displayed at defined sizes and orientations.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greidinger et al. (hereinafter "Greidinger"), U.S. Patent No. 6,449,761 B1, issued September 2002.**

**Regarding independent claim 16**, Greidinger teaches a method for editing a graphical image page amongst a collection of a plurality of graphical image pages,

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comprising displaying, in a first window on a computer screen, a first graphical image page from among the plurality of graphical image pages, wherein said first graphical image page in said first window includes a group of images (col. 6, l. 2-col. 7, l. 32; figs. 3, 4), since Greidinger teaches an electronic computer aided design system with automated operation of a plurality of design tools to produce multiple design solutions to an initial circuit layout (col. 3, l. 13-20).

Greidinger teaches upon receipt of a user command, automatically producing a second graphical image page based on said first graphical image page and displaying, in a second window next to said first window on said computer screen, said second graphical image page for side by side comparison of said first graphical image page and said second graphical image page, said second graphical image page in said second window also including said group of images, each of said first and second graphical image pages capable of being independently modified by said user through manipulation of graphical elements in said first or second window on said computer screen, since Greidinger teaches a first and second graphical image page to display solutions to an initial circuit layout for side by side comparison, and capable of being independently modified with graphical user interfaces for setting shape and size constraints (col. 6, l. 2-col. 7, l. 32; figs. 3, 4; col. 7, l. 16-col. 8, l. 65).

Greidinger teaches that the automatic producing and displaying of graphical image pages occurs without direct user invention by said user beyond provision of the user command, since Greidinger teaches that the user sets constraints using the GUI, and then the solution pages are produced and displayed automatically without direct

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user intervention (col. 7, l. 16-col. 9, l. 10). Greidinger teaches receiving the first user input in one of said first or second window on said computer screen that modifies part of either said first or second graphical image page, wherein said modification enables said user to contrast said first and second graphical image pages, since Greidinger teaches that the user sets constraints using the GUI, and then the solution pages are produced and displayed without direct user intervention (col. 7, l. 16-col. 9, l. 10; figs. 3, 4). Greidinger teaches the generation of more than one solution pages which may be displayed simultaneously and independently modified (col. 6, l. 2-col. 7, l. 32; figs. 3, 4; col. 7, l. 16-col. 8, l. 65).

While Greidinger does not explicitly teach receiving second user input that selects one of said first and second graphical image pages for inclusion in said plurality of graphical image pages, the "select" operation was well known in the art at the time of the invention, as was the "save" operation, since both "select" and "save" were operations used for file management in computer systems at the time of the invention. Therefore it would have been both obvious and desirable to one of ordinary skill in the art at the time of the invention to modify Greidinger to add "select" and "save" operations in order to efficiently manage the different layout files generated by the electronic computer aided design system.

**9. Claims 17-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greidinger et al. (hereinafter "Greidinger"), U.S. Patent No. 6,449,761 B1, issued September 2002, in view of Angiulo et al. (hereinafter**

**“Angiulo”), U.S. Patent No. 6,964,025 B2, published September 2002, issued November 2005.**

**Regarding dependent claims 17-20**, while Greidinger does not explicitly specify that the graphical image pages are photo album or word processor pages with backgrounds, Angiulo teaches selecting a layout configuration for a web photo gallery page from a hierarchical library of templates including placeholders for photo images (col. 13, l. 8-col. 14, l. 4). Angiulo teaches that the disclosed methods of layout configuration were part of the Frontpage 2002 software, which was an editing tool for web pages and included word processing functions (col. 9, l. 3-35). Frontpage 2002 allowed the selection of background pattern. Angiulo teaches that the web photo gallery includes text captions. Angiulo teaches dragging and dropping and copying and pasting photos to a web photo gallery (col. 3, l. 25-55), thus changing an aspect of layout of the web photo gallery page.

Both Greidinger and Angiulo are directed toward software to automate design layout. It would have been obvious and desirable to one of ordinary skill in the art at the time of the invention to apply the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the electronic computer aided design system with automated operation of a plurality of design tools to produce multiple design solutions to an initial circuit layout, i.e., page layout of images, since many computer aided design (CAD) systems at the time of the invention included advanced editing functionality, so that the user would have the benefit of the additional



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flexibility of editing and modifying the page layout after it had been generated (Angiulo, col. 20, l. 4-36).

**Regarding dependent claim 22**, while Greidinger does not explicitly teach deleting the page, Angiulo teaches deleting a graphical image page (col. 20, l. 36-46).

Both Greidinger and Angiulo are directed toward software to automate design layout. It would have been obvious and desirable to one of ordinary skill in the art at the time of the invention to apply the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the electronic computer aided design system with automated operation of a plurality of design tools to produce multiple design solutions to an initial circuit layout, i.e., page layout of images, since many computer aided design (CAD) systems at the time of the invention included advanced editing functionality, so that the user would have the benefit of the additional flexibility of editing and modifying the page layout after it had been generated (Angiulo, col. 20, l. 4-36).

**10. Claims 25, 30, 32-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Photoshop as applied to claims 24, 26-28, 31, and 36 above, and further in view of Angiulo et al. (hereinafter "Angiulo"), U.S. Patent No. 6,964,025 B2, published September 2002, issued November 2005.**

**Regarding dependent claim 25**, while Photoshop does not explicitly teach opening a blank page, Angiulo teaches opening a blank page for a web photo gallery if

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no images are present in the images list (col. 9, l. 60-67). Both Photoshop and Angiulo are directed toward software for creating web photo galleries. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Photoshop, in order to provide the additional flexibility of editing and modifying the photo gallery after it had been generated (col. 20, l. 4-36).

**Regarding dependent claim 30**, while Photoshop does not explicitly teach placeholders, Angiulo teaches selecting a layout configuration from a hierarchical library of templates including placeholders for photo images (col. 13, l. 8-col. 14, l. 4). Both Photoshop and Angiulo are directed toward software for creating web photo galleries. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Photoshop, in order to provide the additional flexibility of editing and modifying the photo gallery after it had been generated (col. 20, l. 4-36).

**Regarding dependent claim 32 and 33**, while Photoshop does not explicitly teach the claimed edit functions, Angiulo teaches dragging and dropping and copying and pasting photos to a web photo gallery (col. 3, l. 25-55). Both Photoshop and Angiulo are directed toward software for creating web photo galleries. It would have been

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obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Photoshop, in order to provide the additional flexibility of editing and modifying the photo gallery after it had been generated (col. 20, l. 4-36).

**Regarding dependent claim 34**, while Photoshop does not explicitly teach placeholders, Angiulo teaches selecting a layout configuration from a hierarchical library of templates including placeholders for photo images (col. 13, l. 8-col. 14, l. 4; col. 14, l. 60-col. 15, l. 10) and selecting a group of images from an image list and automatically associating the group of images with the template placeholder locations and formats. Both Photoshop and Angiulo are directed toward software for creating web photo galleries. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Photoshop, in order to provide the additional flexibility of editing and modifying the photo gallery after it had been generated (col. 20, l. 4-36).

**Regarding dependent claim 35**, while Photoshop does not explicitly teach adjusting dimensions of a frame border and a photo relative to each other, Angiulo teaches automatically adjusting dimensions of a frame border and a photo relative to each other (Fig. 9). Both Photoshop and Angiulo are directed toward software for

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creating web photo galleries. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Photoshop, in order to provide the additional flexibility of editing and modifying the photo gallery after it had been generated (col. 20, l. 4-36).

**Regarding dependent claim 37**, while Photoshop does not explicitly teach that the hierarchical organization of the library of layout configurations is also based on an aspect ratio of photos, Angiulo teaches that the hierarchical organization of the library of layout configurations is also based on an aspect ratio of photos (col. 17, l. 16-40). Both Photoshop and Angiulo are directed toward software for creating web photo galleries. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Photoshop, in order to provide the additional flexibility of editing and modifying the photo gallery after it had been generated (col. 20, l. 4-36).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 16-20, 22, 24-28, and 30-37 have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection includes the Photoshop reference and the Greidinger and Angiulo

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patents, which are being relied upon to teach the newly claimed limitations of amended independent claims 16 and 24, and their respective dependent claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR



**Dong Hutton  
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